

REMARKS

Claims 5-20 are pending and have been examined in the present application.

Applicants wish to thank the Examiner for the indication of allowable subject matter in claims 9-20, but respectfully submit that each of claims 5-8 also patentably distinguish over the art of record as described in detail below.

The various objections to the disclosure are noted. In response, the specification has been amended as requested by the Examiner. No new matter has been added.

With respect to the Examiner's contention that reference label 100 is not described in Fig. 5, Applicants respectfully direct the Examiner's attention to the paragraph of the specification beginning at page 13, line 6 to page 14, line 9. In that paragraph, specifically at page 14, line 6, reference label 100 is described as a portion of the conductor patterns of the circuit substrate 30.

Accordingly, as all of the Examiner's objections have been addressed with amendments to the specification, and reference label 100 is described in the originally filed specification, it is respectfully requested that these objections be withdrawn.

The objection to the drawings is noted. In response, Applicants submit herewith new formal drawings for substitution in the present application which incorporate the changes suggested by the Examiner.

Claims 5-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the EP 604 reference in view of Ishikawa et al. This rejection, however, is improper.

Effective November 29, 1999, 35 U.S.C. § 103(c) provides that subject matter developed by another which qualifies as prior art only under one or more of sub-sections 35 U.S.C. § 102(e), (f) and (g) is not to be considered when determining whether an

invention sought to be patented is obvious under § 103, provided the subject matter and the claimed invention were commonly owned at the time the invention was made or subject to an obligation of assignment to the same person.

The present application is assigned to the Murata Manufacturing Co., Ltd. and is a divisional of U.S. Patent Application Serial No. 09/031,981, filed February 26, 1998, now U.S. Patent No. 6,445,255. Thus, the present application is accorded a filing date of February 26, 1998.

Ishikawa et al. is a patent which is assigned to the Murata Manufacturing Co., Ltd. and lists different inventors than the present application. Ishikawa et al. has a filing date of July 28, 1997 and an issue date of February 16, 1999. Since Ishikawa et al. has a filing date prior to that of present application and an issue date after the filing date of the present application, Ishikawa et al. is a § 102(e) reference and should not be considered by the Examiner in determining obviousness of the present application under § 103. Accordingly, reconsideration and withdrawal of the § 103 rejection is respectfully requested.

Claims 5, 6 and 8 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 4, 6 and 7 of U.S. Patent No. 6,445,255. In response, Applicants submit herewith a Terminal Disclaimer with respect to U.S. Patent No. 6,445,255. Accordingly, withdrawal of the double patenting rejection is respectfully requested.

Application No.: 10/072,533

Docket No.: M1071.1520/P1520

In view of the foregoing, allowance of the application with claims 5-20 is respectfully and earnestly solicited.

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Respectfully submitted,

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